

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Miami Division

BRIGHTLINE TRAINS FLORIDA LLC,

Plaintiff,

v.

NATIONAL MEDIATION BOARD,

Defendant,

and

TRANSPORT WORKERS UNION OF
AMERICA,

Intervenor.

Case No. 1:24-CV-24734-DPG

[PROPOSED] ORDER

On this ____ day of _____, 2025, it is hereby ORDERED that the Parties shall adhere to the following schedule for resolution of Plaintiff's claim under the Administrative Procedure Act:

1. Defendant shall certify and file the Administrative Record within 7 days of the date of this order, but no later than **4/14/2025**
2. The Parties shall resolve any disputes over the accuracy or completeness of the Administrative Record within 14 days of the filing of the Administrative Record, but no later than **4/28/2025**
3. The Parties' cross-motions for summary judgment are due by **60 days after the Administrative Record is complete**

4. The Parties' briefs in opposition to summary judgment are due by

**30 days after
motions for
summary judgment
are filed**

5. The Parties' reply briefs in support of summary judgment are due by

**14 days after
oppositions to
summary judgment
are filed**

Plaintiff may file a single, 40-page brief in opposition to any motions for summary judgment and a 20-page reply brief in support of its motion for summary judgment.

It is further ORDERED that the Parties shall adhere to the following schedule for resolution of Intervenor's claim under the Railway Labor Act:

[If the Court adopts Plaintiff's proposed schedule]

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| 1. Plaintiff shall file its motion to dismiss Intervenor's counterclaim by | 4/23/2025 |
| 2. Intervenor shall file its opposition to Plaintiff's motion to dismiss by | 5/07/2025 |
| 3. Plaintiff shall file its reply in support of its motion to dismiss by | 5/14/2025 |
| 4. Following disposition of Plaintiff's motion to dismiss the complaint, the Parties' cross-motions for summary judgment are due within | 45 days |
| 5. Following the filing of motions for summary judgment, the Parties' briefs in opposition to summary judgment are due within | 30 days |
| 6. Following the filing of briefs in opposition to summary judgment, the Parties' reply briefs in support of summary judgment are due within | 14 days |

[If the Court adopts Intervenor's proposed schedule]

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|---|------------------|
| 1. Plaintiff shall re-file its motion to dismiss TWU's complaint as a motion to dismiss TWU's counterclaim pursuant to Federal Rule of Civil Procedure 12(a)(1)(B) on or before | 4/11/2025 |
| 2. Intervenor shall file its opposition to Brightline Florida's motion to dismiss on or before | 4/15/2025 |
| 3. Plaintiff shall file its reply in support of its motion to dismiss on or before | 4/29/2025 |

4. Unless the Court grants Plaintiff's motion to dismiss, cross-motions for summary judgment on TWU's counterclaim are due **6/27/2025**
5. Unless the Court grants Plaintiff's motion to dismiss, briefs in opposition to the cross-motions for summary judgment on TWU's counterclaim are due by **7/28/2025**
6. Unless the Court grants Plaintiff's motion to dismiss, reply briefs on the cross-motions for summary judgment on TWU's counterclaim are due **8/11/2025**
7. Within 5 days of entry of this Order TWU will dismiss its complaint in Civil Action 1:25-cv-20863-DPG in accordance with Fed. R. Civ. P. 41(a)(1)(A)(i).

The Parties are exempt from the disclosure requirements of Federal Rule of Civil Procedure 26 and from the mediation requirements of Local Rule 16.2.

The Clerk of Court is DIRECTED to transfer Brightline Trains Florida LLC's motion to dismiss filed on March 25, 2025, at ECF No. 39 in the above-captioned docket, be transferred to *Transport Workers Union of Am., AFL-CIO v. Brightline Trains Florida, LLC*, No. 1:25-cv-20863 (S.D. Fla.).

Hon. Darrin P. Gayles
United States District Judge